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15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

17 MARIA PEREZ on behalf of herself and all) Case No. CV 10-01916 JW
18 others similarly situated)
19 Plaintiff,) STIPULATION RE FILING OF FIRST
20 v.) AMENDED COMPLAINT
21 MIDLAND FUNDING, LLC)
22 Defendant.)
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1 Plaintiff Maria Perez and Defendant Midland Funding LLC, through their respective
2 counsel of record, hereby stipulate as follows:

3 WHEREAS, Plaintiff filed her initial Complaint in this action on May 4, 2010; and

4 WHEREAS, Defendant timely filed a Motion to Dismiss and a Motion to Strike specified
5 allegations of the Complaint; and

6 WHEREAS, Plaintiff desires to amend the Complaint to clarify her allegations and to
7 address certain of the points raised by Defendant in its motions;

8 IT IS, THEREFORE, STIPULATED AND AGREED that:

9 1. Plaintiff may file a First Amended Complaint on or before July 21, 2010.

10 2. **In light of this Stipulation and Order, Defendant's pending Motions to**
11 **Dismiss and to Strike (Docket Item Nos. 6 & 7), are DENIED as moot and the**
November 15, 2010 hearing for those Motions is VACATED.

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15 **SO STIPULATED.**

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17 Dated: July 1, 2010

DUPRE LAW FIRM, P.C.
LAW OFFICE OF WILLIAM E. KENNEDY
CHAVEZ & GERTLER LLP
KEMNITZER, BARRON & KRIEG LLP

20 By: /s/ Nance F. Becker

21 Nance F. Becker
22 Attorneys for Plaintiff Maria Perez

23 Dated: July 1, 2010

GORDON & REES LLP

24 By:

25 Douglas Smith
26 Attorneys for Defendant
27 Midland Funding LLC

28 ***** IT IS SO ORDERED AS MODIFIED *****

Dated: July 7, 2010


JAMES WARE
United States District Judge